

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY

Sp
JUL 13 2005

Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, Jackson

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

No. 1-04-1327-T/AN

AN EASEMENT AND RIGHT-OF-
WAY OVER 0.45 ACRE OF LAND,
MORE OR LESS, IN HARDIN
COUNTY, TENNESSEE

WAYNE PLUNKETT
LEON EASLEY
HARDIN COUNTY BANK OF
SAVANNAH, TENNESSEE
EDDIE K. WHITLOW, trustee
Defendants

JUDGMENT

This action came on to be considered, and it appears to the Court from the Scheduling Order entered herein (at 2) that Eddie K. Whitlow, who was named a party herein as trustee for Defendant Hardin County Bank of Savannah, Tennessee (the Bank), is deceased and that the Bank has decline to participate on the issue of just compensation and has agreed that all of the proceeds of this action can be disbursed to the Defendant-landowners; and it further appears to the Court,

as shown by the signatures below, that Plaintiff and the Defendant-landowners have agreed to resolve this action as hereinafter provided.

It is, therefore, Ordered and Adjudged that:

1. Defendants Wayne Plunkett and Leon Easley shall recover of Plaintiff \$10,150 as full compensation for the taking of the easement and right-of-way herein condemned, which amount has been deposited by Plaintiff with the registry of this Court in this action.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on December 13, 2004, is hereby fully and finally confirmed with respect to the easement and right-of-way described in Exhibit A attached hereto and made a part hereof (said description being the same as in Exhibit A attached to the Complaint and Declaration of Taking filed herein).

3. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$10,150 payable to Wayne Plunkett and Leon Easley, in full satisfaction of this Judgment, and to mail said check to Kate E. Rhodes, Esq., Rainey, Kizer, Reviere & Bell, PLC, P.O. Box 1147, Jackson, Tennessee 38302-1147.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

This 12th day of July, 2005.

James D. Fadd
United States District Judge

We hereby approve and consent
to the entry of this Judgment:

Edwin W. Small
Edwin W. Small
Assistant General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Tennessee BPR No. 012347
Telephone 865-632-3021
Facsimile 865-632-6718

Attorney for Plaintiff

Kate E. Rhodes
Kate E. Rhodes
Rainey, Kizer, Reviere & Bell, PLC
209 East Main Street
P.O. Box 1147
Jackson, Tennessee 38302-1147
Tennessee BPR No. 022252
Telephone 731-423-2414
Facsimile 731-426-8156

Attorney for Defendants

Wayne Plunkett and Leon Easley

003737435

TRACT NO. PSTES-3

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. PSTES-3

A parcel of land located in the Fourth Civil District of Hardin County, State of Tennessee, as shown on a map entitled "Pickwick-Savannah (East) Transmission Line Tap to East Savannah," drawing LW-5386, sheet 6B, R.1, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point where the centerline of the said location crosses the south property line of the land of Wayne Plunkett, et al., and the north property line of the land of Hardin County, Tennessee, at survey station 119 + 30.90, said point being S. 87° 26' 27" E., 256.53 feet from an iron pin property corner common between the lands of Wayne Plunkett, et al., Hardin County, Tennessee, and Savannah Elk's Lodge #2756, Inc., said iron pin property corner being 47.95 feet left of survey station 116 + 78.92; thence leaving said point and with the said property line N. 87° 26' 27" W., 256.53 feet to a point, said point being said iron pin property corner; thence leaving said point and with the west property line of the land of Wayne Plunkett, et al., and the east property line of the land of Savannah Elk's Lodge #2756, Inc., N. 3° 37' 23" E., 2.09 feet to a point, said point being in the north right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 81° 47' 10" E., 13.41 feet to a point; thence leaving said point and continuing with said right-of-way line S. 0° 27' 13" W., 2.32 feet to a point; thence leaving said point and continuing with said right-of-way line S. 89° 05' 25" E., 43.22 feet to a point; thence leaving said point and

TRACT NO. PSTES-3

continuing with said right-of-way line N. $0^{\circ} 27' 13''$ E., 9.25 feet to a point; thence leaving said point and continuing with said right-of-way line N. $81^{\circ} 47' 10''$ E., 379.95 feet to a point, said point being in the east property line of the land of Wayne Plunkett, et al., and in the west right-of-way line of the land of the State of Tennessee (Highway 69); thence leaving said point and with the said property line and said highway right-of-way line S. $21^{\circ} 44' 33''$ E., 51.43 feet to a point, said point being on the centerline of the said location at survey station 121 + 28.50, said point being N. $21^{\circ} 44' 33''$ W., 40.51 feet from a property corner common between the lands of Wayne Plunkett, et al., the State of Tennessee (Highway 69), and Hardin County, Tennessee, said property corner being 39.39 feet right of survey station 121 + 37.93; thence leaving said point and continuing with said property line and said highway right-of-way line S. $21^{\circ} 44' 33''$ E., 40.51 feet to a point, said point being said property corner; thence leaving said point and with the south property line of the land of Wayne Plunkett, et al., and the north property line of the land of Hardin County, Tennessee N. $87^{\circ} 26' 27''$ W., 210.72 feet to the point of beginning and containing 0.45 acre, more or less.

Recording Information: Defendants/landowners as of the date of the filing of the Declaration of Taking — Wayne Plunkett and Leon Easley as equal tenants in common (Deed Book 143, pages 181 and 527) — tax map 90, parcel 63.

Receipt:

Case 1:04-cv-01327-JDT-STA Document 14 Filed 07/13/05 Page 6 of 7 PageID 25



Clerk	Receipt Number	Receipt Date
cassandra	J28600	07/13/2005

United States District Court

Western District of Tennessee

Western Division-Memphis
167 N. Main, Room 242
Memphis, TN 38103
(901) 495 - 1200

Eastern Division-Jackson
Room 262, 111 South Avenue
Jackson, TN 38301
(731) 421-9200

Received From:

TVA, KNOXVILLE, TN UNITES STATES

KNOXVILLE, TN 37901

Cash:**Check:** \$4,450.00

Check Number: 4912-9773

Credit:**Total Amount** \$4,450.00**Total Amount Paid:** \$4,450.00**Change:** \$.00**Receipt Details**

1 Registry
Case Number 04-1327

Amount Owed: \$4,450.00

Total Lines: 1

Total Amount: \$4,450.00



Notice of Distribution

This notice confirms a copy of the document docketed as number 14 in case 1:04-CV-01327 was distributed by fax, mail, or direct printing on July 13, 2005 to the parties listed.

Bradford D. Box
RAINEY KIZER REVIERE & BELL
209 E. Main Street
Jackson, TN 38302--114

Edwin W. Small
TENNESSEE VALLEY AUTHORITY
400 W. Summit Hill Dr.
Knoxville, TN 37902--140

Philip J Pfeifer
TENNESSEE VALLEY AUTHORITY
400 W. Summit Hill Dr.
Knoxville, TN 37902--140

Honorable James Todd
US DISTRICT COURT